



MITCHELL SILBERBERG & KNUPP LLP
A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Eleanor M. Lackman
Partner
(212) 878-4890 Phone
(917) 546-7675 Fax
eml@msk.com

October 4, 2024

VIA E-MAIL AND ECF (ALCARTERNYSDCHAMBERS@NYSD.USCOURTS.GOV)

Hon. Andrew L. Carter Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007

Re: Court Order re Parties' Pre-Motion Letters re Summary Judgment (ECF 70)

Dear Judge Carter:

We represent defendant Lonely Planet Global, Inc. ("LPG") in the above-referenced case. We write to seek clarification regarding the Court's recent order dated October 2, 2024 (ECF 70) (the "Order"). The Order, in part, states the following:

The Court is in receipt of the Parties' submissions regarding Plaintiff's request for a pre-motion conference in relation to its anticipated motion for summary judgment. (ECF Nos. 72-74). Plaintiff/Counterclaim-Defendant's request for a pre-motion conference is **DENIED**. Plaintiff/Counterclaim-Defendant is **GRANTED** leave to file its motion to for summary judgment.

It appears that the Court has reviewed the Requests for Pre-Motion Conference (the "Requests"), and subsequent Responses submitted by both Defendant, LPG (ECF 72, 74) and the Plaintiff, Elliot McGucken (ECF 73). However, the Order appears to issue a decision only as to the Request submitted by Plaintiff, referred to in the Order as "Plaintiff/Counterclaim-Defendant." LPG has not filed a counterclaim in this action, and thus, Plaintiff is not also a Counterclaim-Defendant.

For this reason, LPG respectfully requests clarification as to whether the Court intended to grant both LPG's and Plaintiff's Requests for leave to file to file their own respective motions for summary judgment, as well as deny both parties' requests for a pre-motion conference.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'EML', with a stylized flourish extending to the right.

Eleanor M. Lackman

EML/itl